

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

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In re:

**Norman Hugh Smith**

S.S. No.: xxx-xx-7739

Mailing Address: 1203 Park Avenue, Durham, NC 27701-

**Case No. 10-81240**

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Debtor.

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**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtor has filed for relief under Chapter 13 of the United States Bankruptcy Code on July 15, 2010.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtor's proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: August 10, 2010

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

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John T. Orcutt  
N.C. State Bar No. 10212  
Counsel for the Debtor  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615  
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

# **CH. 13 PLAN - DEBTS SHEET** (MIDDLE DISTRICT - DESARDI VERSION)

Date: **4/12/10**

Lastname-SS#: **smith Refile -7739**

## **RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN**

Creditor Name	Sch D #	Description of Collateral

## **SURRENDER COLLATERAL**

Creditor Name	Description of Collateral

## **ARREARAGE CLAIMS**

Creditor Name	Sch D #	Arrearage Amount	(See )
			**
			**
			**
			**
			**
			**
			**
			**
			**

## **REJECTED EXECUTORY CONTRACTS/LEASES**

Creditor Name	Description of Collateral

## **FILED ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS**

Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
			N/A	n/a		
			N/A	n/a		
			N/A	n/a		
			N/A	n/a		

## **SID - SECURED DEBTS at FMV**

Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
			5.00			
			5.00			
			5.00			
			5.00			

## **SID - SECURED DEBTS at 100%**

Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
			5.00			
			5.00			
			5.00			
			5.00			
			5.00			

## **ATTORNEY FEE (Up and paid)**

Law Offices of John T. Orcutt, P.C. **\$2,700**

## **SECURED TAXES**

IRS Tax Liens **\$45,000**

Real Property Taxes on Retained Realty

## **UNSECURED PRIORITY DEBTS**

IRS Taxes **\$21,466**

State Taxes

Personal Property Taxes

Alimony or Child Support Arrearage

CO-SIGN PROTECT (Pay 100%) Int. % Payoff Amt

All Co-Sign Protect Debts (See\*)

## **GENERAL NON-PRIORITY UNSECURED**

Amount (\*\*) **None(\$0)** **None(\$0)**

## **PROPOSED CHAPTER 13 PLAN PAYMENT**

\$ **\$1,223** per month for **60** months, then

\$ **N/A** per month for **N/A** months.

Adequate Protection Payment Period: **2.35** months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

\* = May include up to 2 post-petition payments.

\* Co-sign protect on all debts so designated on the filed schedules.

\*\* = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan\_MD (DeSardi Version 1/12/10) © LOJTO

## **Other Miscellaneous Provisions**

Plan to allow for 3 "waivers".

Citimortgage is unsecured for failure to properly join the debtor's spouse in that Deed of Trust recorded in Book 2535, Page 532.

## **CERTIFICATE OF SERVICE**

I, Jay Ballentine, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s Jay Ballentine  
\_\_\_\_\_  
Jay Ballentine

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

Internal Revenue Service (ED)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

BP  
5301 Maryland Way  
Brentwood, TN 37027

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

Brock, Scott, & Ingersoll, PLLC  
108 Giles Avenue, Ste 102  
Wilmington, NC 28403

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

Absolute Collection Service  
421 Fayetteville Street Mall  
Ste 600  
Raleigh, NC 27601

Capital One  
Post Office Box 85830  
Richmond, VA 23285-5830

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

American General Finance  
3117 Shannon Road  
Suite C  
Durham, NC 27707-2159

Cingular Wireless\*\*  
826 East Park Drive  
Grayson, KY 41143

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

Aspire \*\*  
Post Office Box 105555  
Atlanta, GA 30348-5555

Citifinancial  
3604 University Drive  
Durham, NC 27707

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

Aspire Visa  
P.O. Box 23007  
Columbus, GA 31902-3007

Citifinancial  
Post Office Box 70918  
Charlotte, NC 28272-0918

Innovis Data Solutions  
Attn: Consumer Assistance  
P.O. Box 1534  
Columbus, OH 43216-1534

Associated Credit Services, Inc.  
Post Office Box 9100  
Hopkinton, MA 01748-9100

CitiFinancial  
P.O. Box 6931  
The Lakes, NV 88901-6931

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

At Home Professions

Citifinancial Mortgage  
P.O. Box 142199  
Irving, TX 75014-2199

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

AT&T  
Post Office Box 8212  
Aurora, IL 60572-8212

CitiFinancial Mortgage  
P.O. Box 9023  
Des Moines, IA 50368-9023

Credit Bureau of Greensboro\*\*  
Post Office Box 26140  
Greensboro, NC 27402-0040

Internal Revenue Service (MD)  
Post Office Box 21126  
Philadelphia, PA 19114-1126

Tribute  
Post Office Box 105374  
Atlanta, GA 30348-5374

Dick Patton  
2030 I-85 Service Road  
Durham, NC 27705

Internal Revenue Service (MD)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

United States Attorney  
Middle District  
Post Office Box 1858  
Greensboro, NC 27402

Duke University Hospital\*\*  
PO Box 15000  
Durham, NC 27704

North Carolina Department of Revenue  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

US Attorney's Office (MD)\*\*  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858

Durham County Tax Collector  
Post Office Box 3397  
Durham, NC 27701

North Carolina Dept of Revenue\*\*  
Post Office Box 1168  
Raleigh, NC 27602-1168

Wells Fargo  
6815 Fayetteville Road  
Suite 102  
Durham, NC 27713-6815

Durham Regional Hospital  
and Emergency Medical Service  
402 Stadium Drive  
Durham, NC 27704

Orchard Bank  
c/o Household Credit Services  
Post Office Box 5222  
Carol Stream, IL 60197-5222

Eugene Tatum  
Post Office Box 15095  
Durham, NC 27704

Rent-A-Center  
827-C N. Miami Blvd.  
Durham, NC 27707

Fannie Mae  
3900 Wisconsin Ave, NW  
Washington, DC 20016-2892

Sheryl Smith  
Unknown

Freddie Mac  
8200 Jones Branch Dr  
Mc Lean, VA 22102-3100

Suncom Wireless  
Post Office Box 96067  
Charlotte, NC 28296-0067

HSBC  
P O Box 80084  
Salinas, CA 93912

The Money Centre  
Post Office Box 470375  
Charlotte, NC 28247